

REMARKS

The following remarks are provided in response to the Office Action dated February 6, 2004 in which the Examiner:

- rejected claims 1-3, 5-17, and 26-29 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,452,650 to Nakao et al. (hereinafter Nakao);
- rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Nakao in view of United States Patent No. 5,087,664 to Sugino et al. (hereinafter Sugino);

The applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections.

35 U.S.C. §102(e)

The Examiner rejected claims 1-3, 5-17, and 26-29 under §102(e) as being anticipated by Nakao. For at least the foregoing reasons the applicants traverse the Examiner's rejection.

To establish a *prima facie* case of anticipation under §102, the Examiner must supply a single prior art document that alone teaches every element and every limitation of the claim being rejected. If the Examiner cannot show that the single prior art document asserts each and every element and limitation of the applicants' claim, then the Examiner has failed to establish a *prima facie* case of anticipation for that claim. To overcome the Examiner's anticipation rejection, the applicants must only demonstrate

that the cited prior art document fails to teach one element or limitation present in the claim.

Currently amended independent claim 1 recites in a salient portion:

. . . forming a layer of second material between the two substrates of the stacked device, **wherein the second material causes a reaction in a portion of the first material.**

(emphasis added)

The Examiner relies on column 16, line 65 bridging column 17, line 13 to teach the second material causing a reaction in at least a portion of the first layer of material. The applicants respectfully disagree. The cited portions of Nakao indicate that “. . . polymerization of the polymerizable monomers with the oligomers is made by **irradiation of ultraviolet [light]** . . .” (emphasis added) (See Nakao, column 17, lines 4-5) The applicants assert that the polymerization taught by Nakao requires irradiation by ultraviolet light and does not, as recited by currently amended independent claim 1, teach a second material causing a reaction in the first material. Accordingly, the applicants respectfully request that the Examiner allow currently amended independent claim 1.

Currently amended independent claim 10 recites in a salient portion:

. . . causing a reaction in a portion of the layer of material wherein a portion of the area between the two substrates is **filled with a polymer foam** as a product of the reaction.

(emphasis added)

New independent claim 30 recites a similar limitation. With respect to dependent claim 17, an element of which has been included in currently amended independent claim 10 and new independent claim 30, the Examiner noted that Nakao column 16, line 65 bridging column 17, line 23 teach that the reaction results in the production of a polymer

foam. The applicants respectfully disagree. The applicants assert that a polymer matrix including a dispersion of liquid crystal droplets is **not a polymer foam** as recited by currently amended independent claim 10 and new independent claim 30. Accordingly, the applicants respectfully request that the Examiner allow currently amended independent claim 10 and new independent claim 30.

Currently amended independent claim 26 recites in a salient portion:

. . . reacting a portion of the layer of material, wherein the reaction results in the portion of the layer of material **increasing in volume**.
(emphasis added)

The Examiner relies on column 16, line 65 bridging column 17, line 13 to teach the portion of the layer of material increasing in size. The applicants respectfully point out that nothing in the cited portion of Nakao indicates reacting a portion of the layer of material wherein the reaction results in the portion of the layer of material **increasing in volume**. Accordingly, the applicants respectfully request that the Examiner allow currently amended independent claim 26.

Dependent claims 15, 17, and 28 are herein canceled. As dependent claims 2-9, 11-14, 16, 27, 29, and 31-34 depend from patentable independent claims, the applicants further request that the Examiner allow dependent claims 2-9, 11-14, 16, 27, 29, and 31-34.

35 U.S.C. §103(a)

The Examiner rejected claim 4 as being unpatentable over Nakao in view of Sugino. The applicant affirms that dependent claim 4 is patentable as it depends on a

patentable independent claim as explained with reference to applicants' response to the §102 rejection.

CONCLUSION

For at least the foregoing reasons, the applicants submit that they have overcome the Examiner's rejection and that they have the right to claim the invention as set forth in the listed claims. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.


Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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5/6/04

Dated



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